

CHARTER REVIEW COMMISSION
Wednesday, March 12, 2008 – 8:00 a.m.
6th Floor Conference Room
Council Office Building

Commission Members Present:

Nancy Soreng, Chair
Alice Gresham Bullock, Vice-Chair
Michael Cogan
Karen Czapanskiy
Wilbur Friedman
Mollie Habermeier
Robert Shoenberg
Judith Vandegriff
Anne Marie Vassallo
Charles Wolff

Staff:

Justina Ferber, County Council Staff
Marie Jean-Paul, County Council Staff
Marc Hansen, County Attorney's Office
Amanda Mihill, County Council Staff

Guests:

Glenn Orlin, County Council Staff

Commission Members Absent:

Dianne Felton

Commission Chair Nancy Soreng called the meeting to order at 8:09 a.m.

I. Discussion of subcommittee reports

Commission members discussed the draft subcommittee report and were given an opportunity to seek clarification of issues and statements, and request further information be included in the report. Commission members discussed the following issues:

- Should legally ineffective provisions from the Charter be removed?

Previously, the Commission received a memorandum from the Council's Senior Legislative Attorney detailing why certain Charter provisions were legally ineffective. Commission members discussed whether the Commission should receive a County Attorney's opinion on the subject. Marc Hansen, Deputy County Attorney, stated that the County Attorney's office would provide a written opinion if requested, but noted that he agreed with the Council attorney's analysis that the Charter provisions being discussed were not Charter material. One Commission member noted that the Council could request a County Attorney's opinion if necessary.

- Should special taxing districts cover a limited geographic area be excluded from the limitation on property tax revenue growth?

Commission members discussed the interrelationship between special taxing districts and incorporated areas. Responding to questions from Commission members, Mr. Hansen noted that while the Council would have to get public input before creating a special taxing district and, in theory, the Council could create a special taxing district within municipal boundaries without the consent of that municipality.

Commission members discussed the number and types of special taxing districts in the County, including 3 urban districts, 4 parking districts, 2 noise abatement districts, and 3 state-established special taxing districts. The Commission recommended adding language to the report to describe the types of districts in the County and highlight the difference between state- and county-established special taxing districts. The Commission further recommended that the Report Appendix include a chart detailing collections of the County's special taxing districts.

Commission members discussed different ways to assure that the potential Charter amendment language is crafted to correctly capture the intent of the amendment, including whether to draft the Charter amendment to require the Council adopt implementing legislation.

- Should an affirmative vote by all 9 Councilmembers be required to approve any property tax increase?

Commission members recommended removing the sentence stating that “The history of the Council suggests that their use of the ability to exceed the Charter Review limit has been judicious.” The Commission further recommended renaming the section “Charter amendments proposed by petition” and removing the word “sudden” when describing the down-turn of the housing market. The Commission also recommended that language be added to the report regarding the increase in social needs for County residents.

- Should the Charter be amended to provide for an Executive nominated, Council confirmed Inspector General?

Commission members recommended clarifying the report language regarding Inspector Generals in other jurisdictions and citing all provisions of Charter sections that may be affected, as referenced in the County Attorney's memorandum that accompanied the Executive's veto message for Bill 38-96.

II. Action on recommendations for Charter Amendments.

The Commission voted on the subcommittee recommendations. Alice Gresham Bullock excused herself from the meeting early, but stated that she supported the subcommittee recommendations.

- Should legally ineffective provisions from the Charter be removed?

The subcommittee recommended repealing Charter Sections 311A, 311B, and 313A so that the Charter only contains legally effective provisions that address the fundamental aspect of the form and structure of County Government. The Commission supported this recommendation. Motion made by Wilbur Friedman and seconded by Charles Wolff.

In favor: Michael Cogan, Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, and Charles Wolff (9)

- Should special taxing districts cover a limited geographic area be excluded from the limitation on property tax revenue growth?

The subcommittee recommended excluding revenues from special taxing districts up to an amount equivalent to 2-2.5% of real property tax collections from the property tax limitation as specified in Section 305 of the Charter. (If the total assessable real property of the County is used as the base, the subcommittee recommended a limitation of 10 percent.)

Commission members discussed whether to defer making a recommendation on this issue until the next report in order to obtain input from the public, particularly municipalities.

Robert Shoenberg made a motion to adopt the subcommittee recommendation to exclude revenues from special taxing districts up to 2% of real property tax collections from the property tax limitation in the Charter. The motion was seconded by Wilbur Friedman.

Michael Cogan made a substitute motion to defer making a recommendation on this issue until further research and outreach is done. The motion was seconded by Karen Czapanskiy.

In favor: Michael Cogan, Karen Czapanskiy, Mollie Habermeier, Nancy Soreng, Judith Vandegriff, and Anne Marie Vassallo (6)

Against: Wilbur Friedman, Robert Shoenberg, and Charles Wolff (3)

- Should an affirmative vote by all 9 Councilmembers be required to approve any property tax increase?

The proposed Charter amendment would require the vote of nine Councilmembers to override the “soft” property tax cap in Charter Section 305 and would limit property tax revenue increases to growth plus inflation unless all nine Councilmembers vote to exceed this cap. The subcommittee did not recommend making this change to the Charter. The Commission supported this recommendation. Motion made by Michael Cogan and seconded by Charles Wolff.

In favor: Michael Cogan, Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, and Charles Wolff (9)

- Should the Charter be amended to provide for an Executive nominated, Council confirmed Inspector General?

The subcommittee determined that more time is needed to study this proposal before deciding whether to recommend this appointment process as a change to the Charter. The Commission supported this recommendation. Motion made by Wilbur Friedman and seconded by Karen Czapanskiy.

In favor: Karen Czapanskiy, Wilbur Friedman, Mollie Habermeier, Robert Shoenberg, Nancy Soreng, Judith Vandegriff, Anne Marie Vassallo, and Charles Wolff (8)

Against: Michael Cogan (1)

Mr. Cogan supported the Commission's immediate consideration of Mr. Leggett's proposal.

The meeting adjourned at 10:05 a.m.